IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.961 OF 2007

Union of India and ors. ..Petitioners.

Vs.

Shri. Yusuf Bhai Allrakha Bhai Chopda.
..Respondent.

Shri. L.S.Shetty, A.M.Sethna and S.D.Bhosale for the Petitioners.

Shri.S.V. Marne for the Respondent.

CORAM: S.B. MHASE &
R.S. MOHITE, JJ.
DATE : June 7, 2007

P.C.

1. Heard.

2. The Central Administrative Tribunal has restored the birth date of the respondent as 20.2.1949, In fact, when the service book was prepared, the birth date was shown as 20.2.1949. It was changed to 8.1.1947 by the petitioners' office in the year 1985 on the basis of primary document of the birth register maintained by the Gram Panchayat. Whatsoever may be the fact, when the date was changed by the petitioners in the year 1985, the petitioners were under obligation to issue notice to the respondents. However, without giving any notice to the respondent, the birth date has been changed and above all, the petitioners are not possessing any

document which can be said to be the primary document to show that the birth date of the petitioner is 8.1.1947. The learned counsel for the respondent submitted that the birth date of the respondent was changed by the petitioners by altering the original date recorded in the service book and that too at the fag end of the service. The birth date of the respondent was shown as dated 20.2.1949 and it was altered by the petitioners without there being any proper evidence and without following the procedure. When it is noticed by the respondent, the respondent has tried to restore the position. So, it is not a case of claiming different birth date at the fag end of the service but it is restoring the birth date which was intimated by the petitioner at the time of entering the same in the service book. We find no substance in the petition. Petition is therefore, rejected.

(R.S. MOHITE, J.) **(S.B. MHASE, J.)**